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HICKMAN PALERMO TRUONG & BECKER, LLP
1600 WILLOW STREET
SAN JOSE, CA 95125

EXAMINER	
BRANCOLINI, JOHN R	
ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/863,945	PATTERSON, MARTIN	
	Examiner	Art Unit	
	John R Brancolini	2153	

-- Th MAILING DATE of this communication app ars on the cover sheet with the correspondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 May 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-41* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-41* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 May 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-41 are pending in the application.

Priority

This application is a CIP of 09/502170, filed February 11, 2000, which claimed priority to US Provisional 60150394. Additionally, this application claims priority to US Provisional application 60212925 filed June 20, 2000.

Information Disclosure Statement

An information disclosure statement (IDS) was submitted on November 18, 2002. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

An information disclosure statement (IDS) was submitted on December 9, 2002. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

An information disclosure statement (IDS) was submitted on January 9, 2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

An information disclosure statement (IDS) was submitted on November 3, 2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

An information disclosure statement (IDS) was submitted on December 8, 2003. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "110" has been used to designate both the design and deployment blocks.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "260, 262, 264, 266, 268, 270" have been used to designate items in both Figure 2c and Figure 2e.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Deployment block 116.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

- Figure 2B, items 228, 234, 240
- Figure 4A, items 412, 414
- Figure 4b, items 442, 446
- Figure 4C, item 454
- Figure 8B, item 826

- Figure 9, items 908, 914, 916
- Additionally, all items in Figure 5 as a detailed description of this figure seems to have been omitted from the disclosure.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

Page 13 line 4 states "customization phase of block, ". In the figures, the customization block is labeled as block 114.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-22, 24-27, 29-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Tonelli et al. (US Patent 5821937), hereinafter referred to as Tonelli.

In regards to claim 1, Tonelli discloses a method of defining and deploying a networked computer system, comprising the steps of:

- Creating and storing a graphical representation of a logical configuration of the networked computer system by
    - Generating a display of a graphical workspace that can receive the graphical representation (Figure 2 shows the graphical workspace for displaying the graphical representation of the network, see also col 5 lines 21-29).
    - Receiving user input representing selecting one or more icons that represent nodes of the networked computer system and moving the one

or more icons into the graphical workspace (the user can drag an drop an icon representing a device onto the workspace, col 7 lines 33-53).

- Receiving user input representing connecting one or more of the icons with one or more other icons (the user can select a medium to connect the devices with, the user then commanding the system to connect the devices, col 8 lines 38-63).
- Receiving user input representing configuring one or more parameter values associated with one or more of the nodes (the user has the option to configure the devices as they are included into the network, col 11 lines 16-28).

- Instantiating an operable computer system that conforms to the logical configuration (the user can validate the system, and create a virtual instance of the network for testing by the system, col 15 lines 8-21).

In regards to claim 2, Tonelli discloses based on the graphical representation, automatically creating and storing a textual representation of a logical configuration of the networked computer system according to a structured markup language (the creation of the network results in an audited tabular view of the network components, which is a textual representation of the network based on a structured language according to the design system, col 18 lines 35-45).

In regards to claim 3, Tonelli discloses based on the textual representation, generating one or more commands for one or more switch devices that are interconnected to one or more computing elements and storage devices, wherein the commands instruct the switch devices to logically connect the computing elements and storage devices into an operable computer system that conforms to the logical configuration (a query device utilizes the audited files to create commands for inquiring about server and switch devices, the commands being utilized to gather topology information relating to the network, which includes host information and routing information for analyzing the configuration of the network, col 19 lines 9-40).

In regards to claim 4, Tonelli discloses validating the graphical representation to verify that a physical computer system corresponding to the graphical representation may be properly instantiated (the user has the option to validate each connection of the system to insure proper initialization, col 15 lines 8-21).

In regards to claim 5, Tonelli discloses one or more of the icons each include one or more graphical representations of ports, and further comprising the step of visually highlighting one of the graphical representations of ports when it has a connection to another port (col 8 line 64 – col 9 line 15 discusses highlighting a port icon and selecting a value for that port when it is connected to another port).

In regards to claim 7, Tonelli discloses generating a display that includes a panel that displays information about the networked computer system that corresponds to the graphical representation, including its state of development and type (Figure 32 shows an example of generating a display that indicates information about the networked computer system).

In regards to claim 8, Tonelli discloses generating a display that includes a graphical state icon that visually indicates a current state of the networked computer system that corresponds to the graphical representation (as shown in claim 7 discussion, figure 32 shows a display of network computer information, additionally it allows a user to select an icon which will be associated with the computer system, representing the computer system as a graphical representation, see also col 15 lines 59-67).

In regards to claim 9, Tonelli discloses:

- Wherein the one or more icons comprise a subnet icon that includes a plurality of connection points (Figure 34 shows a hub, or subnet icon, which includes a plurality of connection points).
- Wherein the step of receiving user input representing moving the one or more icons comprises the step of receiving user input representing expanding the subnet icon (the user can selectively choose how many nodes are connected to the subnet, which allows the user to expand the subnet icon, col 16 lines 34-48).

- Further comprising the step of, in response to receiving user input representing expanding the subnet icon, generating an updated display of the subnet icon that includes a larger plurality of connection points (as seen in figure 34, as the user adds more icons connected to the subnet, the number of connection points increases accordingly, see also col 16 lines 34-48).

In regards to claim 10, Tonelli discloses:

- Wherein the one or more icons comprise a subnet icon that includes a plurality of connection points (Figure 34 shows a hub, or subnet icon, which includes a plurality of connection points).
- Wherein the step of receiving user input representing moving the one or more icons comprises the step of receiving user input representing contracting the subnet icon (the user can selectively choose how many nodes are connected to the subnet, which allows the user to contract the subnet icon, col 16 lines 34-48).
- Further comprising the step of, in response to receiving user input representing contracting the subnet icon, generating an updated display of the subnet icon that includes a smaller plurality of connection points (as seen in figure 34, as the user can remove icons connected to the subnet, the number of connection points to decrease accordingly, see also col 16 lines 34-48).

In regards to claim 11, Tonelli discloses:

- Receiving user input that identifies a disk image by identifying a name of the image, a server of the networked computer system from which to obtain the image, and a disk of the server of the networked computer system from which to obtain the image (the system allows for hierarchal collections of server images, the user specifying which tier of servers to obtain an image level from, col 15 lines 21-67).
- Creating and storing information defining a disk image based on the user input and based on contents of the identified disk of the server (based on user added features, and previously defined image information from the server, a new image can be created, col 15 line 59 – col 16 line 4).

In regards to claim 12, Tonelli discloses a method of graphically defining and deploying a networked computer system, comprising the steps of:

- Creating and storing a graphical representation of a logical configuration of the networked computer system (as seen in the description of claim 1, the system of Tonelli is based on creating a graphical representation of a network)
- Based on the graphical representation, automatically creating and storing a textual representation of a logical configuration of the networked computer system according to a structured markup language (the creation of the network results in an audited tabular view of the network components, which is a textual representation of the network based on a structured language according to the design system, col 18 lines 35-45).

- Based on the textual representation, generating one or more commands for one or more switch devices that are interconnected to one or more computing elements and storage devices, wherein the commands instruct the switch devices to logically connect the computing elements and storage devices into an operable computer system that conforms to the logical configuration (a query device utilizes the audited files to create commands for inquiring about server and switch devices, the commands being utilized to gather topology information relating to the network, which includes host information and routing information for analyzing the configuration of the network, col 19 lines 9-40).

In regards to claim 13, Tonelli discloses creating and storing a textual representation comprises the steps of creating and storing a textual representation of a logical configuration of the networked computer system according to a structured markup language, wherein the textual representation includes at least one element defining an automatically created monitor process for monitoring one or more parameters of one or more of the computing elements (the creation of the network results in an audited tabular view of the network components, which is a textual representation of the network based on a structured language according to the design system, the tables including defined elements for recreating the designed network, col 18 lines 35-45).

In regards to claim 14, Tonelli discloses creating and storing a textual representation comprises the steps of creating and storing a textual representation of a logical configuration of the networked computer system according to a structured markup language, wherein the textual representation includes at least one element defining an automatic power management function for one or more of the computing elements (the creation of the network results in an audited tabular view of the network components, which is a textual representation of the network based on a structured language according to the design system, the tables including defined elements for recreating the designed network including any power related functions relating to the network, col 18 lines 35-45, col 9 line 63 – col 10 line 9 discusses utilizing MMAC devices which requires a management card for power and connection management).

In regards to claim 15, Tonelli discloses the textual representation comprises:

- At least one server role definition comprising at least a role name value and a hardware type value (Figure 9 shows a listing of role names and hardware types).
- One or more definitions of servers of the networked computer system, wherein each definition of a server uses and references the server role definition (each item in a definition of a device is utilized in the role definition of that device, see for example the network service each server has available, col 17 lines 26-40).

In regards to claim 16, Tonelli discloses the textual representation comprises:

- At least one server role definition comprising at least a role name value and a hardware type value (Figure 9 shows a listing of role names and hardware types).
- A plurality of definitions of servers in a server tier of the networked computer system, wherein each definition of a server uses and references the server role definition (each item in a definition of a device is utilized in the role definition of that device, see for example the network service each server has available, col 17 lines 26-40).

In regards to claim 17, Tonelli discloses the textual representation comprises:

- At least one definition of a load balancing function (a router is provided for load balancing functions, col 14 lines 16-21).
- At least one server tier definition that defines a plurality of servers that receive inbound traffic from the load balancing function (each hierarchal level or tier can have a plurality of servers defined that are operably connected to a hub or load balancer, col 15 lines 22-42, see also Figure 31 for the hierarchal tier view).
- At least one fixed server definition that defines a fixed server that is associated with one of the servers in the server tier (each server in the tier has a fixed definition based on the initial server definition assigned when the icon was placed into the workspace).

In regards to claim 18, Tonelli discloses the textual representation comprises:

- At least one server tier definition that defines a plurality of servers that receive inbound traffic from a load balancing function (each hierarchal level or tier can have a plurality of servers defined that are operably connected to a hub or load balancer, col 15 lines 22-42, see also Figure 31 for the hierarchal tier view).
- At least one definition of the load balancing function, comprising an output port value, an input port value, a virtual address value, a load balancing policy value, and a tier value that identifies the server tier that is managed using the load balancing function (the load balancing function contains Frame Relays, DLCI or IP addresses which is at least one definition of an address value).

In regards to claim 19, Tonelli discloses the textual representation comprises at least one server tier definition that defines a plurality of servers that receive inbound traffic from the load balancing function(each hierarchal level or tier can have a plurality of servers defined that are operably connected to a hub or load balancer, col 15 lines 22-42, see also Figure 31 for the hierarchal tier view); and wherein each server tier definition comprises one or more input port values, a role value, and information specifying a maximum number of physical servers and a minimum number of physical servers for use in a server tier represented by the server tier definition (each load balancer has a role value as discussed above, as well as assignable ports which are a limited number which indicates a maximum number of physical servers).

In regards to claim 20, Tonelli discloses the textual representation comprises at least one fixed server definition that defines a statically addressed server of the networked computer system; and wherein each server definition comprises one or more input port values that identify a virtual local area network, a role value that identifies a processing role carried out by the server, and information specifying a network address of the server (the user has access to information on each component in the network, including port values, addressing information, device location and device category, or role information, col 12 line 60 – col 13 line 10).

In regards to claim 21, Tonelli discloses:

- Associating a first server definition of the textual representation with a graphical icon, wherein the first server definition comprises at least one external entity declaration that represents a network address of a server that is represented by the first server definition (each icon has a textual representation, the information including various data such as addressing information, col 12 line 60 – col 13 line 10).
- Creating and storing, in the textual representation, a copied server definition based on duplicating the first server definition that is associated with the graphical icon (each icon can be cloned, or copied, based on stored information relating to the icon, col 16 lines 49-56).
- Resolving each external entity declaration of the server definition of the textual representation and the copied server definition of the textual representation into a

different actual network address (each clone is a configurable device, which allows the user to change the address).

- Based on the textual representation, generating one or more commands for one or more switch devices that are interconnected to one or more computing elements and storage devices, wherein the commands instruct the switch devices to logically connect the computing elements and storage devices into an operable computer system that conforms to the logical configuration (a query device utilizes the audited files to create commands for inquiring about server and switch devices, the commands being utilized to gather topology information relating to the network, which includes host information and routing information for analyzing the configuration of the network, col 19 lines 9-40).

In regards to claim 22, Tonelli discloses the steps of receiving a first server definition that omits a network address of a server that is represented by the first server definition;

- Creating and storing, in the textual representation, a copied server definition based on duplicating the first server definition that is associated with the graphical icon (each icon can be cloned, or copied, based on stored information relating to the icon, col 16 lines 49-56).
- Determining a dynamic network address value for use with the server that is represented by the first server definition (each clone is a configurable device, which allows the user to change the address or automatically assign one).

- Based on the textual representation, generating one or more commands for one or more switch devices that are interconnected to one or more computing elements and storage devices, wherein the commands instruct the switch devices to logically connect the computing elements and storage devices into an operable computer system that conforms to the logical configuration (a query device utilizes the audited files to create commands for inquiring about server and switch devices, the commands being utilized to gather topology information relating to the network, which includes host information and routing information for analyzing the configuration of the network, col 19 lines 9-40).

In regards to claim 24, Tonelli discloses the textual representation comprises:

- At least one server role definition comprising at least a role name value and a hardware type value (Figure 9 shows a listing of role names and hardware types).
- A disk attribute definition that defines additional local disk storage for the server defined in the server role definition, comprising a drive name value and a drive size value (Figure 52 shows a listing of server attributes, including access to disks, and the disk size).
- One or more definitions of servers of the networked computer system, wherein each definition of a server uses and references the server role definition (each item in a definition of a device is utilized in the role definition of that device, see for example the network service each server has available, col 17 lines 26-40).

In regards to claim 25, Tonelli discloses the textual representation comprises an action definition that defines actions for execution for each server in a tier of one or more servers when an additional server is added to the tier (a collection, or tier, can be altered by the user, the system expanding the collection as the user increases the amount of devices present, col 16 lines 1-13).

In regards to claim 26, Tonelli discloses the textual representation comprises an action definition that defines actions for execution for each server in a tier of one or more servers when one of the servers is removed from the tier (in contrast to claim 25's discussion, the user can alter the collection by removing an item from a tier as well, which would cause the server tier to reconfigure based on one less device).

In regards to claim 27, Tonelli discloses a method of defining and deploying a computer system, comprising the steps of:

- Creating and storing a graphical representation of a logical configuration of the computer system based on selecting one or more first icons representing computing elements of the computer system (as seen in the description of claim 1, the system of Tonelli is based on creating a graphical representation of a network)
- Based on the graphical representation, automatically generating one or more commands for one or more switch devices that are interconnected to one or

more computing elements and storage devices, wherein the commands instruct the switch devices to logically connect the computing elements and storage devices into an operable computer system that conforms to the logical configuration (a query device utilizes the audited files to create commands for inquiring about server and switch devices, the commands being utilized to gather topology information relating to the network, which includes host information and routing information for analyzing the configuration of the network, col 19 lines 9-40).

In regards to claim 29, Tonelli discloses the first icons include a load balancer icon representing a load balancing router device (a router is provided for load balancing functions, col 14 lines 16-21).

In regards to claim 30, Tonelli discloses the steps of creating and storing the graphical representation of a logical configuration of the computer system based on also selecting one or more second icons representing network elements of the computer system (several sets of icons are provided, as seen in Figure 31, including servers, hubs, routers and subnets).

In regards to claim 31, Tonelli discloses the second icons include a subnet icon representing a sub-network to which one or more of the first icons are connected (Figure 34 shows a hub, or subnet icon, which includes a plurality of connection points).

In regards to claim 32, Tonelli discloses validating the graphical representation of the computer system by verifying that each computing element is properly logically coupled within the graphical representation such that the computer system is likely to operate properly when physically created and activated (the user has the option to validate each connection of the system to insure proper initialization, col 15 lines 8-21).

In regards to claim 33, Tonelli discloses validating the graphical representation of the computer system in response to user selection of a validation function, by verifying that each computing element is properly logically coupled within the graphical representation such that the computer system is likely to operate properly when physically created and activated (the user has the option to validate each connection of the system to insure proper initialization, col 15 lines 8-21).

In regards to claim 34, Tonelli discloses storing one or more annotations of one or more of the computing elements in response to receiving user input of the annotations (the user can alter notes relating to a certain device, see figure 32).

In regards to claim 35, Tonelli discloses displaying a text view of the computer system, wherein the text view comprises a textual representation of a logical configuration of the computer system according to a structured markup language that is automatically created and stored based on the graphical representation (the creation of

the network results in an audited tabular view of the network components, which is a textual representation of the network based on a structured language according to the design system, col 18 lines 35-45).

In regards to claim 36, Tonelli discloses the steps of receiving user input representing a movement of one or more of the first icons; displaying the first icons in modified positions based on the movement; and automatically updating the textual representation to result in creating and storing a modified textual representation that represents the logical configuration of the computer system including the modified positions (the user has the option of moving a device, or substituting another device for the previous one, which will automatically update the system, including the tabular and graphic files create when the query is done).

In regards to claim 37, Tonelli discloses a computer-readable medium carrying one or more sequences of instructions for defining and deploying a computer system, wherein execution of the one or more sequences of instructions by one or more processors causes the one or more processors to perform the steps of:

- Creating and storing a graphical representation of a logical configuration of the networked computer system (as seen in the description of claim 1, the system of Tonelli is based on creating a graphical representation of a network)
- Based on the graphical representation, automatically creating and storing a textual representation of a logical configuration of the networked computer

system according to a structured markup language; based on the textual representation (the creation of the network results in an audited tabular view of the network components, which is a textual representation of the network based on a structured language according to the design system, col 18 lines 35-45), generating one or more commands for one or more switch devices that are interconnected to one or more computing elements and storage devices, wherein the commands instruct the switch devices to logically connect the computing elements and storage devices into an operable computer system that conforms to the logical configuration (a query device utilizes the audited files to create commands for inquiring about server and switch devices, the commands being utilized to gather topology information relating to the network, which includes host information and routing information for analyzing the configuration of the network, col 19 lines 9-40).

In regards to claim 38, Tonelli discloses a computer-readable medium carrying one or more sequences of instructions for defining and deploying a computer system, wherein execution of the one or more sequences of instructions by one or more processors causes the one or more processors to perform the steps of:

- Creating and storing a graphical representation of a logical configuration of the computer system based on selecting one or more first icons representing computing elements of the computer system (as seen in the description of claim

1, the system of Tonelli is based on creating a graphical representation of a network)

- Based on the graphical representation, automatically generating one or more commands for one or more switch devices that are interconnected to one or more computing elements and storage devices, wherein the commands instruct the switch devices to logically connect the computing elements and storage devices into an operable computer system that conforms to the logical configuration (a query device utilizes the audited files to create commands for inquiring about server and switch devices, the commands being utilized to gather topology information relating to the network, which includes host information and routing information for analyzing the configuration of the network, col 19 lines 9-40).

In regards to claim 39, Tonelli discloses a computer-readable medium carrying one or more sequences of instructions defining and deploying a networked computer system, wherein execution of the one or more sequences of instructions by one or more processors causes the one or more processors to perform the steps of:

- Creating and storing a graphical representation of a logical configuration of the networked computer system by:
    - Generating a display of a graphical workspace that can receive the graphical representation (Figure 2 shows the graphical workspace for

displaying the graphical representation of the network, see also col 5 lines 21-29).

- Receiving user input representing selecting one or more icons that represent nodes of the networked computer system and moving the one or more icons into the graphical workspace (the user can drag an drop an icon representing a device onto the workspace, col 7 lines 33-53).
- Receiving user input representing connecting one or more of the icons with one or more other icons (the user can select a medium to connect the devices with, the user then commanding the system to connect the devices, col 8 lines 38-63).
- Receiving user input representing configuring one or more parameter values associated with one or more of the nodes (the user has the option to configure the devices as they are included into the network, col 11 lines 16-28).

- Instantiating an operable computer system that conforms to the logical configuration (the user can validate the system, and create a virtual instance of the network for testing by the system, col 15 lines 8-21).

In regards to claim 40, Tonelli discloses an apparatus for defining and deploying a networked computer system, comprising:

- Means for creating and storing a graphical representation of a logical configuration of the networked computer system by:

- Generating a display of a graphical workspace that can receive the graphical representation (Figure 2 shows the graphical workspace for displaying the graphical representation of the network, see also col 5 lines 21-29).
- Receiving user input representing selecting one or more icons that represent nodes of the networked computer system and moving the one or more icons into the graphical workspace (the user can drag an drop an icon representing a device onto the workspace, col 7 lines 33-53).
- Receiving user input representing connecting one or more of the icons with one or more other icons (the user can select a medium to connect the devices with, the user then commanding the system to connect the devices, col 8 lines 38-63).
- Receiving user input representing configuring one or more parameter values associated with one or more of the nodes (the user has the option to configure the devices as they are included into the network, col 11 lines 16-28).

- Means for instantiating an operable computer system that conforms to the logical configuration (the user can validate the system, and create a virtual instance of the network for testing by the system, col 15 lines 8-21).

In regards to claim 41, Tonelli discloses an apparatus for defining and deploying a networked computer system, comprising:

- A processor (to run the software, the computer inherently has a processor).
- A network interface accessible to the processor and configured to receive information from a computer network in which the processor participates (the system communicates over a network by exchanging message information indicating the presence of a network interface).
- A computer-readable medium accessible to the processor and carrying one or more sequences of instructions defining and deploying a networked computer system, wherein execution of the one or more sequences of instructions by one or more processors causes the one or more processors to perform the steps of:
- Creating and storing a graphical representation of a logical configuration of the networked computer system by:
    - Generating a display of a graphical workspace that can receive the graphical representation (Figure 2 shows the graphical workspace for displaying the graphical representation of the network, see also col 5 lines 21-29).
    - Receiving user input representing selecting one or more icons that represent nodes of the networked computer system and moving the one or more icons into the graphical workspace (the user can drag an drop an icon representing a device onto the workspace, col 7 lines 33-53).
    - Receiving user input representing connecting one or more of the icons with one or more other icons (the user can select a medium to connect the

devices with, the user then commanding the system to connect the devices, col 8 lines 38-63).

- Receiving user input representing configuring one or more parameter values associated with one or more of the nodes (the user has the option to configure the devices as they are included into the network, col 11 lines 16-28).

- Instantiating an operable computer system that conforms to the logical configuration (the user can validate the system, and create a virtual instance of the network for testing by the system, col 15 lines 8-21).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6, 23 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tonelli in view of Microsoft (Microsoft Press computer Dictionary, Third Edition, Microsoft Press Publishing, 1997, Page 197).

In regards to claims 6, Tonelli discloses the limitations of a server icon, a subnet icon, a load balancer icon, but fails to disclose a firewall. Similarly, in regards to claims 23 and 28, Tonelli discloses the limitations of the claims, but fails to disclose providing a firewall icon. Tonelli does disclose that a custom icon can be used, with port values,

addressing information and device role information being customizable, however the actual use of a firewall is not seen.

Microsoft discloses that a firewall is beneficial to network as it increases security against external threats. All communications are routed through a proxy which based on a rule set determines which messages or files are safe to transmit.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Tonelli to include a firewall in the network elements as taught by Microsoft as a firewall increases the overall security of the network.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John R Brancolini whose telephone number is (571) 272-3948. The examiner can normally be reached on M-Th 7am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JRB

Dung C. Dinh
Primary Examiner